

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rule making related to adoption records

The Public Health Department hereby amends Chapter 95, “Vital Records: General Administration,” and Chapter 99, “Vital Records Modifications,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 144.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 144 and 2021 Iowa Acts, House File 855.

Purpose and Summary

2021 Iowa Acts, House File 855, adds provisions to Iowa Code chapter 144 to allow an adult adoptee to obtain a noncertified copy of the adoptee’s original certificate of birth and provides biological parents the ability to complete a contact preference form and medical history form. These amendments implement these changes.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on September 22, 2021, as **ARC 5926C**. No public comments were received.

One change from the Notice has been made. Since the publication of the Notice, 2021 Iowa Acts, House File 855, has been codified. References in the rule making to House File 855 have been removed accordingly.

Adoption of Rule Making

This rule making was adopted by the State Board of Health on November 10, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the Department’s waiver provisions contained in 641—Chapter 178.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on February 2, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 95.6(1) as follows:

95.6(1) *Fees for services provided by state registrar or county registrar.* The following fees shall be charged and remitted for the various services provided by the state registrar or the county registrar.

a. The state registrar or county registrar, as applicable, shall charge a fee of ~~\$20~~ \$15 for a certified copy of a vital record. If, following a search, no record is found and no certified copy is printed, the ~~\$20~~ \$15 fee may be retained. ~~On and after July 1, 2019, this fee will revert to \$15.~~

b. The state registrar shall charge a fee of ~~\$20~~ \$15 to prepare an adoption certificate, to amend a certificate, to amend a certificate of live birth to reflect a legal change of name, to prepare a delayed certificate, to process other administrative or legal actions, prepare a noncertified copy of an original certificate of birth pursuant to Iowa Code section 144.24A, or for preparation of prepare copies of supporting documents on file in the state registrar's office. ~~On and after July 1, 2019, this fee will revert to \$15.~~ No fee shall be charged for establishment of paternity.

c. The state registrar shall charge a fee of \$25 to file a completed application for the mutual consent voluntary adoption registry.

d. The state registrar shall charge a fee of \$5 to update applicant information maintained in the mutual consent voluntary adoption registry and the declaration of paternity registry.

e. The state registrar shall charge a fee of ~~\$20~~ \$15 to amend an abstract or other legal documentation in support of the preparation of a new certificate. ~~On and after July 1, 2019, this fee will revert to \$15.~~

f. The state registrar shall charge a fee of \$35 to issue a commemorative copy of a certificate of birth or a certificate of marriage pursuant to Iowa Code section 144.45A. Fees collected shall be deposited in the emergency medical services fund established in Iowa Code section 135.25.

g. The state registrar shall charge a fee of ~~\$20~~ \$15 for the purpose of issuing an uncertified copy of a certificate of birth resulting in stillbirth pursuant to Iowa Code section 144.31A. ~~On and after July 1, 2019, this fee will revert to \$15.~~

ITEM 2. Amend subrule 95.6(4) as follows:

95.6(4) *Search of county registrar's records—fee for uncertified copy.* A person who is requesting an uncertified copy of a vital record in the custody of the county registrar shall conduct the search of the county files to locate the record. If a copy is requested, the county registrar may charge a fee of ~~no more than \$5 for an uncertified copy of the county record~~ pursuant to Iowa Code section 22.3. The fee shall be retained by the county.

ITEM 3. Amend paragraph **95.6(5)“a”** as follows:

a. All fees collected by the county registrar and the state registrar shall be distributed as follows:

(1) For fees collected by a county registrar, with the exception of the fee in subrule 95.6(4), the county registrar shall retain \$4 of each ~~\$20~~ \$15 fee collected by that office. ~~On and after July 1, 2019, this \$20 fee will revert to \$15.~~ Fees collected shall be divided as follows:

1. For a birth certificate or a marriage certificate, the state registrar shall receive ~~\$13~~ \$8, and \$3 shall be deposited in the general fund of the state, except for the fee collected pursuant to paragraph 95.6(1) “f.” ~~On and after July 1, 2019, the amount received by the state registrar will revert to \$8.~~

2. For a death certificate, the state registrar shall receive ~~\$14~~ \$6, the office of the state medical examiner shall receive \$3, and \$2 shall be deposited in the general fund of the state. ~~On and after July 1, 2019, the amount received by the state registrar will revert to \$6.~~

(2) For fees collected by the state registrar, the state registrar shall retain all fees, with the exception of the fees in paragraph 95.6(1) “a,” of which the state registrar shall retain ~~\$14~~ \$9 of each ~~\$20~~ \$15 fee

collected for the issuance of certified copies. ~~On and after July 1, 2019, the fee collected will revert to \$15 and the amount retained by the state registrar will revert to \$9.~~ The \$6 balance of certified copy fees collected by the state registrar shall be divided as follows:

1. and 2. No change.

ITEM 4. Renumber rules **641—95.14(144)** to **641—95.16(144)** as **641—95.15(144)** to **641—95.17(144)**.

ITEM 5. Adopt the following new rule 641—95.14(144):

641—95.14(144) Access to original certificate of birth prior to adoption. Notwithstanding any provision of law to the contrary, an adopted person who was born in this state and whose original certificate of birth was substituted with a new certificate of birth pursuant to Iowa Code section 144.24 based upon the adoption, or an entitled person, may apply for and obtain a noncertified copy of the original certificate of birth of the adopted person who is the subject of the original certificate of birth in accordance with this rule, including with any required redaction of personally identifiable information pursuant to Iowa Code section 144.24A(2).

95.14(1) Entitlement.

a. If an adopted person who is the subject of the original certificate of birth is submitting the application, the adopted person shall be at least 18 years of age at the time the application is filed.

b. If an entitled person is submitting the application, the adopted person who is the subject of the original certificate of birth shall be deceased at the time the application is filed.

95.14(2) The adopted person or the entitled person requesting a noncertified copy of the original certificate of birth shall file a written application with the state registrar on a form and in the manner prescribed by the state registrar.

95.14(3) Upon receipt of the written application, proof of identification pursuant to paragraph 95.9(3) “*a*,” and payment of a fee pursuant to paragraph 95.6(1) “*b*,” the state registrar shall issue a noncertified copy of the original certificate of birth to the applicant in accordance with this rule, including with any required redaction of personally identifiable information pursuant to Iowa Code section 144.24A(2). At the time of such issuance, the state registrar shall also provide to the applicant any contact preference form or medical history form completed and submitted to the state registrar including with any required redaction of personally identifiable information pursuant to Iowa Code section 144.24A(2).

a. A biological parent may file a contact preference form prescribed by the state registrar in accordance with the provisions outlined in Iowa Code section 144.24A(2) and state the biological parent’s preference for contact by an adopted person or an entitled person following application for and issuance of the noncertified copy of the original certificate of birth under this rule. The contact preference form shall be provided to the biological parent in accordance with Iowa Code section 600A.4. A contact preference form may be completed or updated by the biological parent at any time at the request of the biological parent.

b. A biological parent may file a medical history form prescribed by the state registrar in accordance with the provisions outlined in Iowa Code section 144.24A(3) and provide medical history of the biological parent and any blood relatives. The medical history form shall be provided to the biological parent in accordance with Iowa Code section 600A.4. A medical history form may be completed or updated by the biological parent at any time at the request of the biological parent.

c. Upon receipt of a completed contact preference form or medical history form, the state registrar shall attach any such completed form to the original certificate of birth.

d. For the purposes of this rule, “entitled person” means the spouse of the adopted person who is deceased or an adult related to the adopted person who is deceased within the second degree of consanguinity.

e. An application may be submitted under this rule by an adopted person or an entitled person to obtain a noncertified copy of an adopted person’s original certificate of birth in accordance with this

rule, if the adopted person who is the subject of the original certificate of birth was born before January 1, 1971.

f. Beginning January 1, 2022, an application may be submitted under this rule by an adopted person or an entitled person to obtain a noncertified copy of an adopted person's original certificate of birth in accordance with this rule, notwithstanding the date of birth of the adopted person who is the subject of the original certificate of birth prescribed under paragraph 95.14(3) "b."

This rule is intended to implement Iowa Code sections 144.24A and 600A.4.

ITEM 6. Adopt the following new subrule 99.13(3):

99.13(3) The clerk of the court shall, within 30 days of issuance, deliver one certified copy of any adoption decree, and any contact preference form or medical history form associated with the certified copy of any adoption decree for the purposes of Iowa Code section 144.24A, and fee pursuant to rule 641—95.6(144) to the state registrar of vital statistics to prepare a certificate of birth as prescribed in Iowa Code section 144.19.

ITEM 7. Amend subrule 99.14(4) as follows:

99.14(4) The county registrar and state registrar shall seal the original certificate of live birth. The state registrar shall place the original certificate of live birth and all related adoption information in a sealed file, and the file shall not be opened and inspected except by the state registrar for administrative purposes or upon an order from a court of competent jurisdiction pursuant to Iowa Code section 144.24 or as provided in Iowa Code section 144.24A.

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